

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

09 CRIM.

521

UNITED STATES OF AMERICA

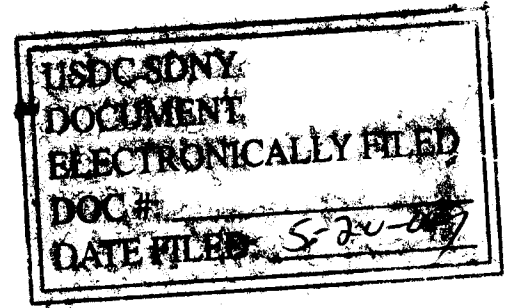
-v.-

MICHAEL MITCHELL,

Defendant.

INFORMATION

09 Cr. _____



COUNT ONE

(Conspiracy)

The United States Attorney charges:

1. From in or about 2000 up to and including in or about 2004, in the Southern District of New York and elsewhere, MICHAEL MITCHELL, the defendant, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit offenses against the United States, to wit, to violate Title 18, United States Code, Section 664, and Title 29, United States Code, Section 186.

Objects of the Conspiracy

2. It was a part and object of the conspiracy that MICHAEL MITCHELL, the defendant, and others known and unknown, unlawfully, willfully, and knowingly would and did embezzle, steal, abstract, and convert to their own use, and to the use of another, moneys, funds, securities, premiums, credits, property, and other assets of an "employee welfare benefit plan or employee pension benefit plan," as that term is defined in Title 18,

JUDGE KOELTL

United States Code, Section 664, and of funds connected therewith, namely employer contributions owed to the welfare and pension benefit plans of the District Council of New York City and Vicinity of the United Brotherhood of Carpenters and Joiners ("the Carpenters Union" or "the union"), in violation of Title 18, United States Code, Section 664.

3. It was further a part and object of the conspiracy that MICHAEL MITCHELL, the defendant, being a representative of employees who were employed in an industry affecting commerce, to wit, members of the Carpenters Union who worked for a construction contractor, unlawfully, willfully, and knowingly would and did receive and accept, and agree to receive and accept, a payment, loan, and delivery of money and other thing of value, from an employer and persons acting in the interest of such an employer, in violation of Title 29, United States Code, Section 186.

Overt Acts in Furtherance of the Conspiracy

4. In furtherance of the conspiracy and to effect the illegal objects thereof, MICHAEL MITCHELL, the defendant, and others known and unknown, committed the following overt act, among others, in the Southern District of New York:

a. In or about 2004, MITCHELL accepted cash bribes from a co-conspirator not named herein ("CC-1"), the owner of a contracting company called On Par Contracting ("On Par"), in

return for MITCHELL's submission of false shop steward reports to the Carpenters Union for an On Par jobsite in the vicinity of 600 Washington Street, in Manhattan.

(Title 18, United States Code, Section 371.)

COUNT TWO

(Employee Benefit Plan Embezzlement)

The United States Attorney further charges:

5. From in or about 2000 up to and including in or about 2004, in the Southern District of New York and elsewhere, MICHAEL MITCHELL, the defendant, and others known and unknown, unlawfully, willfully, and knowingly did embezzle, steal, abstract, and convert to their own use, and to the use of another, moneys, funds, securities, premiums, credits, property, and other assets of an "employee welfare benefit plan or employee pension benefit plan," as that term is defined in Title 18, United States Code, Section 664, and of a fund connected therewith, to wit, MITCHELL, being a shop steward of the Carpenters Union assigned to various construction sites in Manhattan, participated in a scheme whereby he submitted false shop steward reports that underreported the hours worked by carpenters for On Par, a construction contractor, thereby aiding and abetting On Par's violation of the terms of the collective bargaining agreement between On Par and the union and On Par's evasion of required contributions to the union benefit funds.

(Title 18, United States Code, Sections 664 and 2.)

COUNT THREE

(Unlawful Acceptance of Payments by Labor Representative)

The United States Attorney further charges:

6. From in or about 2000 up to and including in or about 2004, in the Southern District of New York and elsewhere, MICHAEL MITCHELL, the defendant, being a representative of employees who were employed in an industry affecting commerce, to wit, members of the Carpenters Union who worked for a construction contractor, unlawfully, willfully, and knowingly did receive and accept, and agree to receive and accept, a payment, loan, and delivery of money and other thing of value, from an employer and persons acting in the interest of such an employer, to wit, MITCHELL, while acting as a shop steward for the Carpenters Union at various construction sites in Manhattan, received cash bribes exceeding \$10,000 from On Par, a contractor that had signed a collective bargaining agreement with the union and was doing work at those jobsites.

(Title 29, United States Code, Section 186(a)(1),
(b)(1) and (d)(2).)

COUNT FOUR

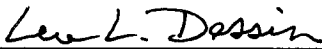
(Perjury)

The United States Attorney further charges:

7. On or about August 2, 2004, and September 14, 2005, in the Southern District of New York and elsewhere, MICHAEL MITCHELL, the defendant, while under oath in proceedings ancillary to a court of the United States, to wit, depositions proceedings conducted by Independent Investigator Walter Mack

pursuant to the authority and subpoena power invested in him by the Honorable Charles Haight in United States of America v. District Council of New York City and Vicinity of the United Brotherhood of Carpenters and Joiners of America, 90 Civ. 5722 (CSH), did knowingly make false material declarations, to wit, MITCHELL falsely stated, among other things, that his shop steward reports on On Par jobsites were "fairly accurate," that he had never received cash payments from On Par, that he had never been asked by On Par to do anything improper, and that he had never received assistance from anyone in being assigned to On Par jobsites.

(Title 18, United States Code, Section 1623(a).)



LEV L. DASSIN
Acting United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

MICHAEL MITCHELL,

Defendant.

INFORMATION

09 Cr. ____ (JGK)

(Title 18, United States Code, Sections 371, 664, 1623(a)
and 2; Title 29, United States Code, Section 186.)

Lev L. Dassin
Acting United States Attorney.

5/20/2009 DEFF PRES w/ASSY THOMAS DUNN. AUSA LISA ZORNBERG, REPORTER
D SANDRA MIASKOFF. FILED WAIVER OF INDICTMENT AND INFORMATION.
DEFF ARRAIGNED ON INFORMATION. DEFF ENTERS PLEA OF GUILTY
TO INFORMATION. SENTENCE DATE 7/14/2010 AT 9:30AM, PSI ORDERED.
BAIL CONF'D.

- JUDGE KOELTL